

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARJORIE FERRELL, <i>et al.</i> ,)	
)	
Plaintiffs,)	No. C-1-01-447
)	
v.)	Judge Sandra S. Beckwith
)	
WYETH-AYERST LABORATORIES,)	Magistrate Judge Timothy S. Hogan
INC., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS' EXPEDITED MOTION
REQUESTING IN-PERSON STATUS CONFERENCE**

Plaintiffs, by their undersigned attorneys, respectfully request an in-person status conference before the Court prior to June 1, 2006, the date by which Plaintiffs must submit their proposed plan to distribute notice to the subclasses.

Under the Calendaring Order entered by Magistrate Judge Hogan on January 5, 2006 [Docket No. 144], Plaintiffs must submit their proposed plan for distributing notice to the subclasses by June 1. The parties have been engaged in discussions concerning potential means to resolve this action for an extended period of time. On May 4, 2006, with the deadline for notice to the subclasses approaching, Plaintiffs filed a motion to voluntarily dismiss the claims of the class representatives with prejudice and asked the Court to suspend the June 1 notice plan date pending decision on that motion. Defendants have opposed both motions. Plaintiffs will submit their reply in support of both those motions tomorrow.

Plaintiffs submit that an in-person conference with the Court would allow the parties to discuss the content of plaintiffs' proposed notice in the context of Plaintiffs' pending motions, as well as to explore potential alternative means of resolving of this action. Under Fed. R. Civ. P. 16(a)(1), the Court may direct attorneys for the parties to appear before it for a conference to, *inter alia*, expedite the disposition of the action. Fed. R. Civ. P. 1 likewise requires that the federal rules "be construed and administered to secure the just, speedy, and inexpensive determination of every action." Pursuant to both the letter and spirit of those Rules, Plaintiffs respectfully request that this Court permit the parties to participate in a status conference prior to the notice deadline of June 1, 2006.

Dated: May 15, 2006

Respectfully submitted,

s/ Janet G. Abaray
One of Plaintiffs' attorneys

Janet G. Abaray
LOPEZ, HODES, RESTAINO,
MILMAN & SKIKOS
312 Walnut Street, Suite 2090
Cincinnati, OH 45202
(513) 852-5600

Joseph E. Conley, Jr.
BUECHEL & CONLEY
25 Crestview Hills Mall Road
Suite 104
Crestview Hills, KY 41017
(859) 578-6600

Co-Liaison Counsel for End-Payor Plaintiffs

Kenneth A. Wexler
Jennifer Fountain Connolly
WEXLER TORISEVA WALLACE LLP
One North LaSalle, Suite 2000
Chicago, IL 60602
(312) 346-2222

Marc H. Edelson
HOFFMAN & EDELSON
45 West Court Street
Doylestown, PA 18901
(215) 230-8043

Samuel D. Heins
Stacey L. Mills
HEINS MILLS & OLSON, P.C.
3550 IDS Center, 80 South Eighth Street
Minneapolis, MN 55402
(612) 338-4605

Patrick E. Cafferty
MILLER FAUCHER and CAFFERTY LLP
101 N. Main Street, Suite 450
Ann Arbor, MI 48104
(734) 769-2144

Steve W. Berman
Craig R. Spiegel
HAGENS BERMAN SOBOL
SHAPIRO LLP
1301 5TH Avenue, Suite 2900
Seattle, WA 98101